

REMARKS

The present response is submitted in reply to the Office action which was issued on June 27, 2008. Claims 12-14, 16-27 and 30-33 are pending in this application and each has been rejected in the Office action. No claims have been amended herewith. Reconsideration is respectfully requested by way of the present response.

Rejection of claims 12-14, 16-27 and 30-33 under 35 U.S.C. 103(a)

Claims 12-14, 16-27 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-223478 in view of U.S. Publication No. 2003/0122684 (Porter, et al.). The Examiner provides an extensive discussion of the obviousness rejection at pages 2-8 of the Office action, the full details of which are omitted herein for the sake of brevity. However, in summary, the Examiner essentially argues that '478 discloses a communication system comprising an IC tag attached to an object, a reader/writer provided with a function for communicating with the IC tag for a predetermined time, a mobile information terminal for carrying the reader/writer. The Examiner further states that the mobile information terminal comprises the functions of a first alarm function for emitting a first alarm when communication with the reader/writer and the IC tag becomes impossible, a second alarm emission function for emitting a second alarm when communication with the reader/writer and the IC tag becomes impossible, a position information acquisition function for acquiring a position information of the mobile information terminal when communication with the reader/writer and the IC tag becomes impossible and a display function for displaying the position information acquired by the position information acquisition function. The Examiner acknowledges that '478 fails to disclose first and second alarms that are

different and are selected from the group of alarms consisting of sound, luminescence, vibration and screen information, or its combination, and wherein the setting change is arbitrarily possible from the mobile information terminal. The Examiner in turn refers to Porter, et al. for the missing teachings of '478. The Examiner thus concludes that it would have been obvious to one skilled in the art to modify the system of '478 by incorporating the features of Porter, et al. for the purpose of allowing a user to respond differently to different kinds of tags.

The Applicant respectfully disagrees with the Examiner's position and submits that to establish a *prima facie* case of obviousness, three basic criteria must be met, as set forth in M.P.E.P. § 2142. First, there must be some suggestion or motivation to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

An English translation of '478 is submitted herewith for the Examiner's reference. In this instance, the Applicant respectfully submits that '478 clearly fails to teach or disclose each and every limitation of the present claims (excluding the missing limitations discussed by the Examiner). In particular, '478 clearly fails to teach or disclose a communication system comprising an IC tag attached to an object, a reader/writer provided with a function which communicates with the IC tag for every predetermined time and a mobile information terminal which carries the reader/writer, which are recited in each of independent claims 12, 20, 24, 26 and 33, and necessarily in their respective dependent claims (other than claim 33). Moreover, the Porter, et al. reference fails to

make up for any of the numerous deficiencies of '478. Therefore, the Applicant respectfully disagrees with the Examiner's analysis of the '478 reference and the conclusion that the combination of the references teach each and every limitation of the presently claimed invention.

It is therefore respectfully submitted that the present invention defined in the present claims is patentably distinguishable over the prior art teachings under 35 U.S.C. 103(a). Based on the aforementioned differences between the presently claimed invention and the prior art, each and every element of the present invention recited in the present claims are not set forth in the cited references. Moreover, one skilled in the art would not be motivated to modify '478, alone or in view of Porter, et al., to arrive at the presently claimed invention. Even if one were to do so, there would be no expectation of success. Therefore, the Applicant respectfully requests that this rejection be withdrawn.

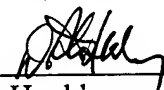
Conclusion

In light of the foregoing claims and arguments, it is believed that the present application is in condition for allowance, and such action is earnestly solicited. The Examiner is invited to call the undersigned if there are any remaining issues to be discussed which could expedite the prosecution of the present application.

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D. Peter Hochberg Co., L.P.A.
1940 E. 6th St. - 6th Floor
Cleveland, OH 44114
(216) 771-3800

Respectfully submitted,

By: 
D. Peter Hochberg
Reg. No. 24,603